

AMENDED IN SENATE MAY 20, 1996  
AMENDED IN ASSEMBLY MAY 11, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

## ASSEMBLY BILL

**No. 571**

**Introduced by Assembly Member ~~Members Machado and Brulte~~**

February 17, 1995

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An act to amend Sections ~~11554 and 12804~~ of the Government Code, to repeal and add Section 13100 of the Health and Safety Code, and to add Section 702 to the Public Resources Code, relating to forestry and fire protection. *10507, 10855, 12161, and 12301 of the Public Contract Code, and to amend Section 42202 of the Public Resources Code, relating to state contracts.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 571, as amended, ~~Brulte Machado. Office of the State Fire Marshal: Department of Forestry and Fire Protection~~ *State contracts: procurement of recycled paper products.*

*Existing law provides that it is the intent of the Legislature to encourage the procurement of recycled paper products by various state agencies and requires state agencies to give purchase preference to recycled paper products, as defined, as well as set percentage goals for the purchase of recycled paper. Existing law provides that it is the intent of the Legislature to encourage the procurement of recycled paper products by various state agencies and requires state agencies*

to give purchase preference to recycled paper products, as defined, as well as set percentage goals for the purchase of recycled paper. Existing law defines “recycled paper” for certain fine grades of paper and increases the postconsumer material content in these papers, as specified, effective January 1, 1999.

This bill would delete the definition of “recycled paper” for those fine grades of paper and delete the provision increasing the postconsumer material content in those papers. For certain paper, the bill would require no less than 20% of fiber weight of postconsumer materials beginning December 31, 1994, and would increase that to 30% beginning December 31, 1998.

~~Under existing law, there is the office of the State Fire Marshal in the State and Consumer Services Agency, with prescribed powers and duties.~~

~~This bill would abolish the office and provide for the transfer of its powers and duties to the Department of Forestry and Fire Protection. The bill would make related changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1    ~~SECTION 1. Section 11554 of the Government Code~~  
2    *SECTION 1. Section 10507 of the Public Contract*  
3    *Code is amended to read:*  
4    10507. For the purpose of this article, “recycled  
5    paper” means all paper and woodpulp products  
6    containing postconsumer and secondary materials as  
7    defined in this section. “Postconsumer material” means  
8    a finished material which would normally be disposed of  
9    as a solid waste, having completed its life cycle as a  
10    consumer item. “Secondary material” means fragments  
11    of products or finished products of a manufacturing  
12    process, which has converted a virgin resource into a  
13    commodity of real economic value, and includes  
14    postconsumer material, but does not include fibrous  
15    waste generated during the manufacturing process such

1 as fibers recovered from wastewater or trimmings of  
2 paper machine rolls (mill broke), wood slabs, chips,  
3 sawdust or other wood residue from a manufacturing  
4 process.

5 “Recycled paper” means a paper product with not less  
6 than 50 percent, by fiber weight, consisting of secondary  
7 and postconsumer material, with not less than 10 percent  
8 of the fiber weight consisting of postconsumer material.

9 ~~For fine grades of paper such as uncoated printing and~~  
10 ~~writing grades, “recycled paper” means either of the~~  
11 ~~following:~~

12 ~~(a) For text and cover grades and cotton fiber papers,~~  
13 ~~not less than 50 percent by fiber weight consisting of~~  
14 ~~secondary and postconsumer material with not less than~~  
15 ~~20 percent of fiber weight consisting of postconsumer~~  
16 ~~material.~~

17 ~~(b) For other uncoated printing and writing grades,~~  
18 ~~not less than 20 percent by fiber weight consisting of~~  
19 ~~postconsumer material.~~

20 ~~Effective January 1, 1999, for both subdivisions (a) and~~  
21 ~~(b), the postconsumer material content shall be~~  
22 ~~increased to 30 percent of fiber weight.~~

23 *For high speed copier paper, offset paper, forms bond,*  
24 *computer printout paper, carbonless paper, file folders,*  
25 *white wove envelopes, and for other uncoated printing*  
26 *and writing papers, such as writing and office paper, book*  
27 *paper, cotton fiber paper containing 25 to 75 percent*  
28 *cotton fiber, and cover stock, the minimum content*  
29 *standard shall be no less than 20 percent of fiber weight*  
30 *of postconsumer materials beginning December 31, 1994.*  
31 *The minimum content standard shall be increased to 30*  
32 *percent of fiber weight of postconsumer materials*  
33 *beginning on December 31, 1998.*

34 *SEC. 2. Section 10855 of the Public Contract Code is*  
35 *amended to read:*

36 10855. For the purpose of this article, “recycled paper  
37 product” means all paper and woodpulp products  
38 containing postconsumer and secondary materials as  
39 defined in this section. “Postconsumer material” means  
40 a finished material which would normally be disposed of

1 as a solid waste, having completed its life cycle as a  
2 consumer item. “Secondary material” means fragments  
3 of products or finished products of a manufacturing  
4 process, which has converted a virgin resource into a  
5 commodity of real economic value, and includes  
6 postconsumer material, but does not include fibrous  
7 waste generated during the manufacturing process such  
8 as fibers recovered from wastewater or trimmings of  
9 paper machine rolls (mill broke), wood slabs, chips,  
10 sawdust, or other wood residue from a manufacturing  
11 process.

12 “Recycled paper product” means a paper product with  
13 not less than 50 percent, by fiber weight, consisting of  
14 secondary and postconsumer material with not less than  
15 10 percent of fiber weight consisting of postconsumer  
16 material.

17 ~~For fine grades of paper such as uncoated printing and~~  
18 ~~writing grades, “recycled paper” means either of the~~  
19 ~~following:~~

20 ~~(a) For text and cover grades and cotton fiber papers,~~  
21 ~~not less than 50 percent by fiber weight consisting of~~  
22 ~~secondary and postconsumer material with not less than~~  
23 ~~20 percent of fiber weight consisting of postconsumer~~  
24 ~~material.~~

25 ~~(b) For other uncoated printing and writing grades,~~  
26 ~~not less than 20 percent by fiber weight consisting of~~  
27 ~~postconsumer material.~~

28 ~~Effective January 1, 1999, for both subdivisions (a) and~~  
29 ~~(b), the postconsumer material content shall be~~  
30 ~~increased to 30 percent of fiber weight.~~

31 *For high speed copier paper, offset paper, forms bond,*  
32 *computer printout paper, carbonless paper, file folders,*  
33 *white wove envelopes, and for other uncoated printing*  
34 *and writing papers, such as writing and office paper, book*  
35 *paper, cotton fiber paper containing 25 to 75 percent*  
36 *cotton fiber, and cover stock, the minimum content*  
37 *standard shall be no less than 20 percent of fiber weight*  
38 *of postconsumer materials beginning December 31, 1994.*  
39 *The minimum content standard shall be increased to 30*

1 *percent of fiber weight of postconsumer materials*  
2 *beginning on December 31, 1998.*

3 *SEC. 3. Section 12161 of the Public Contract Code is*  
4 *amended to read:*

5 12161. For the purpose of this article, “recycled paper  
6 product” means all paper and woodpulp products  
7 containing postconsumer and secondary materials, as  
8 defined in this section. “Postconsumer material” means  
9 a finished material which would normally be disposed of  
10 as a solid waste, having completed its life cycle as a  
11 consumer item. “Secondary material” means fragments  
12 of finished products or finished products of a  
13 manufacturing process, which has converted a virgin  
14 resource into a commodity of real economic value, and  
15 includes postconsumer material, but does not include  
16 fibrous waste generated during the manufacturing  
17 process such as fibers recovered from wastewater or  
18 trimmings of paper machine rolls (mill broke), wood  
19 slabs, chips, sawdust, or other wood residue from a  
20 manufacturing process.

21 “Recycled paper product” means a paper product with  
22 not less than 50 percent, by fiber weight, consisting of  
23 secondary and postconsumer material with not less than  
24 10 percent of fiber weight consisting of postconsumer  
25 material.

26 ~~For fine grades of paper such as uncoated printing and~~  
27 ~~writing grades, “reeyeled paper” means either of the~~  
28 ~~following:~~

29 ~~(a) For text and cover grades and cotton fiber papers,~~  
30 ~~not less than 50 percent by fiber weight consisting of~~  
31 ~~secondary and posteconsumer material with not less than~~  
32 ~~20 percent of fiber weight consisting of posteconsumer~~  
33 ~~material.~~

34 ~~(b) For other uncoated printing and writing grades,~~  
35 ~~not less than 20 percent by fiber weight consisting of~~  
36 ~~posteconsumer material.~~

37 ~~Effective January 1, 1999, for both subdivisions (a) and~~  
38 ~~(b), the posteconsumer material content shall be~~  
39 ~~increased to 30 percent of fiber weight.~~

1 For high speed copier paper, offset paper, forms bond,  
2 computer printout paper, carbonless paper, file folders,  
3 white wove envelopes, and for other uncoated printing  
4 and writing papers, such as writing and office paper, book  
5 paper, cotton fiber paper containing 25 to 75 percent  
6 cotton fiber, and cover stock, the minimum content  
7 standard shall be no less than 20 percent of fiber weight  
8 of postconsumer materials beginning December 31, 1994.  
9 The minimum content standard shall be increased to 30  
10 percent of fiber weight of postconsumer materials  
11 beginning on December 31, 1998.

12 SEC. 4. Section 12301 of the Public Contract Code is  
13 amended to read:

14 12301. The following definitions govern the  
15 interpretation of this chapter:

16 (a) "Department" means the Department of General  
17 Services.

18 (b) "Board" means the California Integrated Waste  
19 Management Board, as defined pursuant to Section 40110  
20 of the Public Resources Code.

21 (c) "Recycled paper product" means all paper and  
22 woodpulp products containing postconsumer and  
23 secondary materials. "Postconsumer material" means a  
24 finished material that would normally be disposed of as a  
25 solid waste, having completed its life cycle as a consumer  
26 item. "Secondary material" means fragments of finished  
27 products or finished products of a manufacturing process,  
28 which has converted a virgin resource into a commodity  
29 of real economic value, and includes postconsumer  
30 material, but does not include fibrous waste generated  
31 during the manufacturing process such as fibers  
32 recovered from wastewater or trimmings of paper  
33 machine rolls (mill broke), wood slabs, chips, sawdust, or  
34 other wood residue from a manufacturing process.  
35 "Recycled paper product" means a paper product with  
36 not less than 50 percent, by fiber weight, consisting of  
37 secondary and postconsumer material with not less than  
38 10 percent of fiber weight consisting of postconsumer  
39 material.

1     ~~For fine grades of paper such as uncoated printing and~~  
2 ~~writing grades, “recycled paper” means either of the~~  
3 ~~following:~~

4     ~~(1) For text and cover grades and cotton fiber papers,~~  
5 ~~not less than 50 percent by fiber weight consisting of~~

1 products of a manufacturing process, which has  
2 converted a resource into a commodity of real economic  
3 value, and includes postconsumer material, but does not  
4 include excess virgin resources of the manufacturing  
5 process.

6 (2) “Recycled product” also means other flat rolled  
7 steel products no less than 25 percent of the total weight  
8 of which consists of secondary and postconsumer  
9 material, with not less than 10 percent of total weight  
10 consisting of postconsumer material. Products made with  
11 flat rolled steel meeting these content percentages  
12 include, but are not limited to, automobiles, cans,  
13 appliances, and office furniture and supplies.

14 *SEC. 5. Section 42202 of the Public Resources Code is*  
15 *amended to read:*

16 42202. (a) “Recycled-content high grade, bleached  
17 printing and writing papers” means all paper and  
18 woodpulp products containing postconsumer material  
19 and secondary material. “Postconsumer material” means  
20 a finished material which would normally be disposed of  
21 as a solid waste, having completed its life cycle as a  
22 consumer item. “Secondary material” means fragments  
23 of finished products or finished products of a  
24 manufacturing process, which has converted a virgin  
25 resource into a commodity of real economic value, and  
26 includes postconsumer material, but does not include  
27 fibrous waste generated during the manufacturing  
28 process such as fibers recovered from wastewater or  
29 trimmings of paper machine rolls (mill broke), wood  
30 slabs, chips, sawdust, or other wood residue from a  
31 manufacturing process.

32 (b) “Recycled paper product” means a paper product  
33 with not less than 50 percent by fiber weight consisting  
34 of secondary material or postconsumer material and with  
35 not less than 10 percent of the fiber weight consisting of  
36 postconsumer material.

37 ~~(c) For fine grades of paper such as uncoated printing~~  
38 ~~and writing grades, “recycled paper” means either of the~~  
39 ~~following:~~



1 ~~(1) For text and cover grades and cotton fiber papers,~~  
2 ~~not less than 50 percent by fiber weight consisting of~~  
3 ~~secondary material or postconsumer material and with~~  
4 ~~not less than 20 percent of fiber weight consisting of~~  
5 ~~postconsumer material.~~

6 ~~(2) For other uncoated printing and writing grades,~~  
7 ~~not less than 20 percent by fiber weight consisting of~~  
8 ~~postconsumer material.~~

9 ~~(3) Effective January 1, 1999, for the recycled paper~~  
10 ~~specified in paragraphs (1) and (2), the postconsumer~~  
11 ~~material content shall be increased to 30 percent of fiber~~  
12 ~~weight. For high speed copier paper, offset paper, forms~~  
13 ~~bond, computer printout paper, carbonless paper, file~~  
14 ~~folders, white wove envelopes, and for other uncoated~~  
15 ~~printing and writing papers, such as writing and office~~  
16 ~~paper, book paper, cotton fiber paper containing 25 to 75~~  
17 ~~percent cotton fiber, and cover stock, the minimum~~  
18 ~~content standard shall be no less than 20 percent of fiber~~  
19 ~~weight of postconsumer materials beginning December~~  
20 ~~31, 1994. The minimum content standard shall be~~  
21 ~~increased to 30 percent of fiber weight of postconsumer~~  
22 ~~materials beginning on December 31, 1998.~~

23 ~~is amended to read:~~

24 ~~11554. (a) Effective January 1, 1988, an annual salary~~  
25 ~~of seventy-five thousand three hundred fifty-four dollars~~  
26 ~~(\$75,354) shall be paid to each of the following:~~

27 ~~(1) Director of Conservation.~~

28 ~~(2) Director of the Department of Economic~~  
29 ~~Opportunity.~~

30 ~~(3) State Architect.~~

31 ~~(4) Director of Fair Employment and Housing.~~

32 ~~(5) Director of the Office of Emergency Services.~~

33 ~~(6) Director of the Department of Aging.~~

34 ~~(7) Director of Trade and Commerce.~~

35 ~~(b) The annual compensation provided by this section~~  
36 ~~shall be increased in any fiscal year in which a general~~  
37 ~~salary increase is provided for state employees. The~~  
38 ~~amount of the increase provided by this section shall be~~  
39 ~~comparable to, but shall not exceed, the percentage of the~~

~~1 general salary increases provided for state employees  
2 during that fiscal year.~~

~~3 SEC. 2. Section 12804 of the Government Code is  
4 amended to read:~~

~~5 12804. (a) The Agriculture and Services Agency is  
6 hereby renamed the State and Consumer Services  
7 Agency.~~

~~8 (b) The State and Consumer Services Agency consists  
9 of the following: the Department of General Services; the  
10 Department of Consumer Affairs; the Franchise Tax  
11 Board; the Public Employees' Retirement System; the  
12 State Teachers' Retirement System; the Department of  
13 Fair Employment and Housing; the California Museum  
14 of Science and Industry; and the State Building and  
15 Standards Commission.~~

~~16 SEC. 3. Section 13100 of the Health and Safety Code  
17 is repealed.~~

~~18 SEC. 4. Section 13100 is added to the Health and  
19 Safety Code, to read:~~

~~20 13100. (a) The office of the State Fire Marshal in the  
21 State and Consumer Services Agency is hereby abolished.~~

~~22 (b) The Department of Forestry and Fire Protection  
23 succeeds to, and is vested with, all of the powers, duties,  
24 responsibilities, and jurisdiction of the former office of the  
25 State Fire Marshal.~~

~~26 (c) No suit, action, or other proceeding that is lawfully  
27 commenced by or against the former office of the State  
28 Fire Marshal or any of its officers, in relation to the  
29 administration of any program or the discharge of any  
30 power, duty, responsibility, or jurisdiction of the former  
31 office shall abate by reason of the abolishment of the  
32 office.~~

~~33 SEC. 5. Section 702 is added to the Public Resources  
34 Code, to read:~~

~~35 702. (a) The department succeeds to, and is vested  
36 with, all of the powers, duties, responsibilities, and  
37 jurisdiction of the former office of the State Fire Marshal.  
38 The director may exercise any of those functions directly  
39 or may administratively organize the department to  
40 perform any of those functions.~~

1 ~~(b) Whenever any reference is made to the former~~  
2 ~~office of the State Fire Marshal pertaining to a power,~~  
3 ~~duty, responsibility, or jurisdiction succeeded to, and~~  
4 ~~vested in, the department pursuant to subdivision (a),~~  
5 ~~the reference shall be deemed to be a reference to, and~~  
6 ~~to mean, the department.~~

7 ~~(c) Any regulation or other action adopted,~~  
8 ~~prescribed, taken, or performed by the former office of~~  
9 ~~the State Fire Marshal in the administration of a program,~~  
10 ~~the performance of a power, duty, or responsibility, or the~~  
11 ~~exercise of any jurisdiction transferred to the department~~  
12 ~~pursuant to subdivision (a) shall remain in effect and shall~~  
13 ~~be deemed to be a regulation or action of the department,~~  
14 ~~unless and until repealed, modified, or rescinded by the~~  
15 ~~department.~~

16 ~~(d) Any officer or employee of the former office of the~~  
17 ~~State Fire Marshal who is serving in the state civil service,~~  
18 ~~other than as a temporary employee, shall be transferred~~  
19 ~~to the department. The status, position, and rights of that~~  
20 ~~person shall not be affected by the transfer and shall be~~  
21 ~~retained by the person as an officer or employee of the~~  
22 ~~department, pursuant to the State Civil Service Act (Part~~  
23 ~~2 (commencing with Section 18500) of Division 5 of the~~  
24 ~~Government Code), except as to a position that is exempt~~  
25 ~~from civil service.~~

26 ~~(e) The department shall have possession and control~~  
27 ~~of all records, papers, offices, equipment, supplies,~~  
28 ~~money, funds, appropriations, licenses, permits,~~  
29 ~~agreements, contracts, claims, judgments, lands, and~~  
30 ~~other property, real or personal, connected with the~~  
31 ~~administration of, or held for the benefit or use of the~~  
32 ~~former office of the State Fire Marshal.~~